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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,174	02/12/2002	William Willett	MAT 3E3	7324

7590 10/02/2003

Kolisch, Hartwell, Dickinson,  
McCormack & Heuser  
200 Pacific Building  
520 S.W. Yamhill Street  
Portland, OR 97204

EXAMINER
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ABDELWAHED, ALI F

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 10/02/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/075,174

Applicant(s)

WILLETT, WILLIAM

Examiner

Ali Abdelwahed

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 22-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 19-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

Claims 19-21 are objected to because they are dependent off of a rejected base claim.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 and 9-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the form" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim(s) 2-6 depend from rejected claim(s) 1 and include all of the limitations of claim(s) 1 thereby rendering these dependent claim(s) indefinite.

Claims 9 and 14 recite the limitations "the form" and "the outside" in lines 1 and 5. There is insufficient antecedent basis for these limitations in the claims.

Claims 10 and 15 recite the limitation "the axial length" in line 4. There is insufficient antecedent basis for this limitation in the claims.

Claims 12 and 17 recite the limitations "the operative driving connection" and "the associated track" in lines 3 and 4. There is insufficient antecedent basis for these limitations in the claims.

Claims 13 and 18 recite the limitation "the associated track" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claims.

The term "generally" in claims 9, 11, 14, and 16 is a relative term which renders the claim indefinite. The term "generally" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The shape of the "drive device" and the formation of the "drive tracks" have been rendered indefinite by the use of the term.

### ***Claim Rejections - 35 USC § 102***

~~The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that~~  
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 4,005,545 to Ptaszek et al.

Ptaszek et al. discloses, regarding claim 1, a hollow doll head component (10), plural, changeable-position, movable facial-expression structures (32, 34) movably mounted on the head component (see figs. 5, 6), and a single, shared, rotary drive device (44) rotatably disposed within the head component (see fig.1) and operatively drivably connected to the facial-expression structures (see figs.1-6), whereby rotation of this device produces defined, coordinated, related, respective position-changing motions in the structures (see figs.1-6); wherein the drive device takes the form of plural co-axial, operatively connected different-diameter cylindrical elements (48, 50, 54). Regarding claim 2, the facial-expression structures are mounted on the head component for bi-directional reciprocation (see figs. 5, 6). Regarding claim 3, the cylindrical elements form axially spaced portions of a unitary drum (46).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

~~Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,386,942 B1 to Tang.~~

Tang discloses, regarding claim 7, a hollow doll head component (see figs. 4, 5), generally vertical reciprocable, openable and closable eye and mouth structures (see figs. 4, 5) movably mounted on the head component (see figs. 4, 5), and a single, shared, rotary drive device (32) rotatably disposed within the head component (see figs. 4, 5) and operatively, drivably connected to the eye and mouth structures (see figs. 4,

5), whereby rotation of this device produces defined, coordinated, related, respective opening and closing motions in the eye and mouth structures (see figs. 4, 5).

Regarding claim 8, a single, selectively power-operated drive motor (31) disposed within the head component (see figs. 4, 5) and drivingly connected to the drive device, operable to rotate the device (see figs. 4, 5).

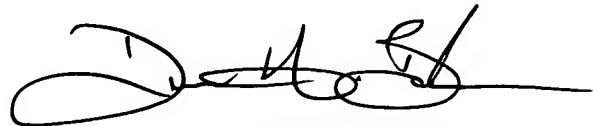
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (703) 305-3311. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

AA  
09/26/2003



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700